## THE HON'BLE SRI JUSTICE N.V. RAMANA

**Writ Petition No. 12069 of 2006**

**Dated: 19.06.2006**

Between:

The Depot Manager, A.P.S.R.T.C., Visakhapatnam.

**..... PETITIONER**

AND

The APSRTC Staff and Workers Federation, Visakhapatnam,
in the matter of workman Sri P.V. Rao and another.

**.....RESPONDENTS**

**THE HON'BLE SRI JUSTICE N.V. RAMANA**

**Writ Petition No.12069 of 2006**

**Order**:

Assailing the award dated 29.12.2003 passed by the Labour Court, Visakhapatnam, in I.D. No. 163 of 2002, wherein the punishment on respondent No. 1 of deferment of annual increment for a period of two years without cumulative effect, besides debiting an amount of Rs.1000/- towards the cost of damages and treating the period of suspension as not on duty for the purpose of leave and increments, was set aside, the petitioner-Corporation filed the present writ petition.

Learned Standing Counsel for the petitioner-Corporation mainly contends that the accident had occurred due to rash and negligent driving and lack of anticipation on the part of respondent No.1-workman, and so he is responsible for the alleged accident. He further contends that the Labour Court, without appreciating the evidence on record, erroneously passed the impugned award, hence, the same is liable to be set aside.

Heard the learned Standing Counsel for the petitioner-Corporation, and perused the award of the Labour Court.

The parameters and scope of judicial review of this Court under Article 226 of the Constitution of India to issue a writ of certiorari are limited to – firstly to correct errors of jurisdiction when the inferior Court or Tribunal acts without jurisdiction or in excess or fails to exercise it, secondly correct errors of law apparent on the face of the record, and thirdly correct and interfere with the findings that are based on suspicion, conjectures or surmises or no reason. The law is well settled that this Court does not act as an appellate authority and reappraise the evidence while exercising certiorari jurisdiction. It is within these

parameters, the impugned award of the Labour Court, is to be examined.

A perusal of the award of the Labour Court clearly shows that the workman, in his spot explanation Ex.M6, stated that the Car hit their bus and he is not responsible for the alleged accident. The Conductor, who was present in the bus at the time of accident and who is direct witness to the accident, in his spot report Ex.M5 and in his evidence Ex.M11 before the Enquiry Officer, also corroborated the same by stating that the Car hit their bus. The Labour Court, on considering the said circumstances and on re-appreciation of evidence, found that the workman is not solely responsible for the accident, and that the findings of the disciplinary authority against respondent No.1-workman are not based on any material evidence, and that the action of the petitioner-Corporation in imposing the punishment of deferment of annual increment for a period of two years without cumulative effect, besides debiting an amount of Rs.1000/- towards the cost of damages and treating the period of suspension as not on duty for the purpose of leave and increments on respondent No.1-workman, was not justified. Holding so, the Labour Court passed the impugned award setting aside the said punishment imposed on respondent No.1-workman by the petitioner-Corporation, and no exception can be taken thereto.

The award of the Labour Court, judged from the parameters of certiorari jurisdiction of this Court under Article 226 of the Constitution of India, does not call for interference, for the petitioner-Corporation failed to point out any infirmities.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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**N.V. RAMANA, J.**

Date: 19.06.2006
Nsr/Ksr